IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE TWENTY EIGHTH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE A.GOPAL REDDY
WRIT PETITION NO : 17349 of 2004

Between:
Smt.N.Ramasubbamma, W/o Ramachandra Reddy,
Gellella Village, Duvvur Mandal, Kadapa District

..... PETITIONER

AND

1 The District Collector, Kadapa, Kadapa District
2 The mandal Revenue Officer, Duvvur Mandal, Kadapa District

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ, Order or direction declaring the action of the respondents herein in allotting the land situate in Sy.No.125/3 measuring an extent of 0.22 cents of Gillella Village, Duvvur Mandal, Kadapa District towards burial ground without following due process of law as arbitrary, illegal and unconstitutional and consequently direct the respondents not to dispossess the petitioner from the land situate in Sy.No.125/3 measuring an extent of 0.22 cents of Gillella Village, Duvvur Mandal, Kadapa District,

Counsel for the Petitioner:MR.T.NIRANJAN REDDY

Counsel for the Respondents.: GP FOR REVENUE

The Court made the following :

ORDER:

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and with their consent the writ petition itself if disposed of at the stage of admission.

The petitioner, who is claiming to be the owner of land admeasuring an extent of Ac.0.22 cents and Ac.0.12 cents in Sy.Nos. 125/3 and 124 of Gillella village of Duvvur Mandal, filed the present writ petition complaining that the respondents on the representation made by the villagers are proceeding to allot the land of the petitioner for the purpose of burial ground without following due procedure under law.

On the other hand, the learned Government Pleader for Revenue submits that the residents of the village made a representation for allotment of land in an extent of Ac.0.33 cents in Sy.No.123 and Ac.0.40 cents in Sy.No.125, belonging to the Government and the same can be allotted to the villagers

for the said public purpose.

This court in catena of decisions held that a citizen cannot be deprived of his property without following due process of law and the respondents are bound to follow the procedure contemplated under law.

Having regard to the same, this writ petition is disposed of directing the respondents to follow the due procedure prescribed in law before allotting the land of the petitioner, if any, for the purpose of burial ground, and pass appropriate orders by affording an opportunity to the petitioner. No costs.

28.9.2004

Note: CC by tomorrow.
Bo cvm.

To,

1 The District Collector, Kadapa, Kadapa District
2 The mandal Revenue Officer, Duvvur Mandal, Kadapa District
3 2 CCs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT).
4 2 CD copies.